



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

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MINUTES STATE BUILDING CODE COUNCIL

Date: June 16, 2006

Location: Tukwila Community Center, Tukwila

Council Members Present: John Neff, Chair; Peter DeVries, Vice Chair; Rory Calhoun; Kristyn Clayton; John Cochran; Neva Corkrum; Stephen George; Mari Hamasaki; Diane Hansen; Tom Kinsman; Pat McBride; Mac McDowell; Steve Mullet; Terry Poe; Dale Wentworth; Ron Fuller

Council Members Absent: None

Visitors Present: Earl Clay, Jerry Starr, Paul Gulleskye, David Marsaudon, Misty Klinck, Jerry Barbera, John Hogan, Anjela Foster, Paul O'Connor, Dwight Perkins, Greg Barthels, Richard Brown, Bill Disney, Chuck Day, Jon Napier, Bob Eugene. Phil Brazil, James Gray, Dick Bower, Tom Nichols, Gregory Staats, Barbara Staats, Tim Sommers, Craig Timmer, David Robins, John Williams, Tom Young, Maureen Traxler

Staff Present: Tim Nogler, Krista Braaksma, Chuck Heath, Sue Mathers

CALL TO ORDER

John Neff, Council Chair, called the meeting to order at 10 a.m. John welcomed everyone. Introductions were made.

REVIEW AND APPROVE AGENDA

The agenda was reviewed and approved as written.

REVIEW AND APPROVE MINUTES

The minutes of the March 10, 2006 Council meeting were reviewed and approved as written.

PUBLIC COMMENT ON ITEMS NOT COVERED BY THE AGENDA

None received.

BUILDING, FIRE AND PLUMBING CODES COMMITTEE REPORT

Chairman Neff explained the process. He said the committee chairs will make a blanket motion to adopt the recommendations of each committee for the appropriate code for proposed code changes and existing state amendments. Questions or concerns about individual proposals or amendments will then be individually discussed, adopted, amended or denied. After questions and concerns have been dealt with for each code, the blanket amendment will be sent to rulemaking and public hearing as adopted or amended, or adoption will be denied and the proposals or amendments will not proceed to rulemaking and public hearing.

International Building Code, Proposed Code Changes

Motion #1:

John Cochran moved that the Council accept the report of the Building, Fire and Plumbing Codes Committee on code change proposals to the 2006 International Building Code and forward the new proposals to public hearing. Tom Kinsman seconded the motion.

Tim Nogler clarified that the Building, Fire and Plumbing Codes Committee accepted the Building Code TAG report as amended, adding Log #052.

Amendment to Motion #1:

Rory Calhoun moved to accept two options, five percent and two percent, for accessible housing in Type A units.

Rory said the Accessibility SubTAG can reconvene during the interim until public hearings in September and October to further study and negotiate the issue. John Neff asked Rory to wait on this motion, since it deals with an existing amendment.

Rory Calhoun withdrew his amending motion.

Tim said the motion on the floor includes moving forward to rulemaking a small business exemption for window manufacturers. He said many interested parties are present in the audience today who would be affected by that exemption. Also present is an individual who wants to speak about Log #023, the five-story wood frame proposal.

Tom Nichols, Smokey Point Wood Windows, speaking on behalf of small window manufacturers, supported the Council moving the exemption for small window manufacturers to rulemaking and public hearing.

Tom Young, representing the concrete/masonry industry, said his concerns with Log #023 are primarily fire safety in buildings above three stories. His industry supports the concept of balanced design, including automatic sprinklers, smoke detection, and the use of noncombustible materials. He said five-story buildings are a concern because of the high seismic risk in Washington. Earthquakes cause fires, hamper fire service access, make automatic sprinklers malfunction, reduce water supply and pressure to feed automatic sprinklers and pumpers.

The concrete/masonry industry takes exception to the notion that wood frame construction is more economical than concrete/masonry construction. He said the two types of construction, with only insignificant differences, are very competitive.

Jerry Barbera, representing airports, also spoke against Log #023. He recommended, instead of statewide adoption in Washington, further study at the national level. Tom Young agreed.

Richard Brown, Washington State Parks and Recreation Commission, spoke in support of Log #107 that he proposed. He said Log #107 amends temporary structures in Section 3103 rather than Section 107. Temporary is defined as less than 180 days.

Tim said the TAG modified the proposal by adding “unheated” to tents and yurts and “for recreational use.” Rory asked Richard Brown if adding “unheated” restricts the use of tents or yurts. Mr. Brown said he accepts the amendment as friendly. John Neff suggested moving “unheated” forward to the public hearing process.

Amendment #2 to Motion #1:

Pat McBride moved adoption of an amendment to Log #107, changing the section reference from 107 to 3103. John Cochran seconded the motion.

Tim said he’s taking direction from the Council to file Log #107 in both sections.

The question was called for. Log #107 will be filed in both Section 107 and Section 3103.

Richard Brown spoke in support of Log #108 and Log #109, which he also proposed. John Hogan expressed concern about Log #109 because it talks about “interior spaces intended for human occupancy” but never limits it to “tents.”

The question was called for on Motion #1, to accept the Building, Fire and Plumbing Codes Committee's recommendation to forward for public hearing code change proposals to the 2006 International Building Code, with the amendment to cofile Log #107 in Section 107 and Section 3103. The motion was unanimously adopted.

International Building Code, Existing Amendments

Motion #2:

John Cochran moved to forward for public hearing the existing amendments to the 2006 International Building Code as recommended by the Building, Fire and Plumbing Codes Committee. Diane Hansen seconded the motion.

Rory requested that two options, two percent and five percent, for #40 amending Section 1107.6.2.1.1, Type A units as a percentage of total units in Group R-2 apartment buildings, be sent to public hearing. He's interested in hearing arguments pro and con about this issue. Other Council members agreed. John Neff clarified that if the Council adopts existing amendments as recommended by the Building Code TAG and Building, Fire and Plumbing Codes Committee, the percentage of Type A units is reduced from five percent to two percent. On the other hand, if the Council disapproves the TAG and Committee recommendations and stays with current law at five percent, the matter doesn't go to public hearing.

John Neff asked how two options can be sent to public hearing. Tim answered to simply file two options. Krista Braaksma disagreed, saying that there are inherently two options, to change existing law or not to change existing law. She said the Code Reviser will not file unchanged language. Tom Kinsman noted that wanting to hear the debate doesn't mean you're for or against the proposal. He welcomes debate about this important accessibility issue.

John Neff said that the Human Rights Commission, the Governor's Office and other agencies and interested parties are concerned about Council action on this proposal. Tim suggested sending a letter explaining the Council process. John Neff directed staff to draft such a letter.

Phil Brazil, a member of the Building Code TAG, said the issue was discussed at length at the TAG. Bob Eugene noted that Karen Braitmayer testified about this proposal before the Building, Fire and Plumbing Codes Committee. He suggested differentiating between rental and owner-occupied units to allow flexibility and negotiation.

Pat McBride, also a member of the Building Code TAG, said there was lots of discussion about rental and owner-occupied units in R-2 occupancies. He said since it's not decided which unit is until the last moment, the builder is obligated to comply with the building code. Pat said the interim period between escrow and time of possession represents a challenge for the Council.

Steve Mullet asked if the Council is restricted to two or five percent after going through the public hearing process. John Neff answered that the Council can amend to whatever percentage it considers most appropriate.

It was the consensus of the Council to hear public debate about reducing the number of Type A units in Group R-2 apartment houses.

The question was called for on Motion #2. The motion was unanimously adopted.

International Residential Code, Proposed Code Changes

Motion #3:

John Cochran moved to forward for public hearing the recommendations of the Building, Fire and Plumbing Codes Committee on the proposed code changes to the 2006 International Residential Code. Tom Kinsman seconded the motion.

Amendment to Motion #3:

Diane Hansen moved an amendment that was adopted in the fire code, which references both the IRC and the IFC but was inadvertently omitted from Section R310.6 of the IRC. The amendment reads:

ACCESS TO EMERGENCY ESCAPE AND RESCUE OPENINGS.
An approved firm level base for ground ladder access shall be provided below emergency egress and rescue windows when required by the fire code official. Exception: One- and two-family buildings equipped throughout with an approved automatic sprinkler system installed in accordance with the international fire code.

Tom Kinsman seconded the motion. The amendment was unanimously adopted.

Tim noted that the motion before the Council to accept the report of the Building, Fire and Plumbing Codes Committee includes the following amendments adopted by the Committee:

1. Deletion of R806.4, Conditioned Attic Assemblies, recommended by the Energy Code TAG.
2. Items 2 and 3 from Chuck Day's proposals.
3. Townhouse separation language proposed by the City of Seattle Department of Planning and Development.

Tim said the Ventilation Code TAG recommends filing Appendix F of the IRC, as amended by the Mechanical and Ventilation Codes TAG, as the radon mitigation plan for Washington State. It recommends including Clark County as a high radon potential

county. John Neff said the recommendations of the Mechanical and Ventilation Codes TAG were not included in the recommendation passed from the Building, Fire and Plumbing Codes Committee to the Council. He said a second motion is necessary if anyone is interested in adopting those recommendations.

Amendment #2 to Motion #3:

Tom Kinsman moved that the radon recommendations of the Mechanical and Ventilation Codes Technical Advisory Group be included in the Building, Fire and Plumbing Codes Committee recommendation about proposed code changes to the International Residential Code. Pat McBride seconded the motion.

Krista added that some coordinating amendments need to be made to the scoping language of the IRC.

The question was called for. The amending motion was adopted, 14 aye to 1 nay.

Tom expressed concern about an issue raised by Chuck Day of Adair Homes, relating to dual wall construction and the exterior of buildings. He said R703 will have an enormous impact on single-family construction because it requires a rain screen to be constructed around the perimeter of buildings.

Amendment #3 to Motion #3:

Tom Kinsman moved that R703 be moved to rulemaking to also receive public testimony. Pat McBride seconded the motion. The amendment was unanimously adopted.

Chuck Day, Adair Homes, brought sections of the IRC to the Council's attention that he believes will impact home construction and should receive public testimony:

| | |
|------------------|-----------------------------|
| Figure R301.2(2) | seismic design category map |
| R311.5 | stair geometry |
| Appendix P | fire sprinklers |

Chuck said that Appendix P gives local jurisdictions broad authority to require fire sprinklers in all residences. John Neff said he and Tim have discussed that administrative amendments are needed to direct staff to correct such conflicts with statutory language that clearly state that any local amendment affecting one-to-four-unit dwellings has to be approved by the Council. John said that adopting any of the appendices affects one-to-four-unit dwellings.

John Neff said that Section 102.5 of the IRC says that provisions in the appendices shall not apply unless specifically referenced in the adopted ordinance. He said that should be

amended to state that provisions in the appendices shall not apply unless approved by the State Building Code Council or be in a local ordinance approved by the State Building Code Council.

Amendment #4 to Motion #3:

Mac McDowell moved that Section 102.5 be amended to not conflict with RCW 19.8.27.060, which requires State Building Code Council approval of local ordinances affecting one-to-four-unit residential dwellings before such ordinances are enforceable. Pat McBride seconded the motion. The amendment was unanimously adopted.

Amendment #5 to Motion #3:

Pat McBride moved to enter rulemaking on Section 301.2.2. Mac McDowell seconded the motion.

Phil Brazil spoke against the motion. He said the seismic maps are based on seismic data compiled by a U. S. Geological Survey team. Steve also spoke against the motion. He pointed out that Chuck Day didn't say the map is flawed. Pat McBride said he wants the issue to go to public hearing so he can hear how the data was compiled and how it impacts this state.

The question was called for. The amending motion failed for lack of a majority vote.

Amendment #6 to Motion #3:

Pat McBride moved that Section 311.5 be moved into rulemaking. Tom Kinsman seconded the motion.

Steve spoke against the motion. He said the issue was previously thoroughly discussed. He doesn't want to rehash previously debated arguments. Pat said he'd like to hear pro and con discussion because the layout of stairs in a small home can be critical.

The question was called for. The amending motion failed, 4 aye to 8 nay.

John Neff restated the standing motion before the committee, to forward for public hearing the proposed code changes to the 2006 International Residential Code as recommended by the Building, Fire and Plumbing Codes Committee, amended for access to emergency escape and rescue openings, Appendix F, R703 and R102.5. The question was called for on Motion #3. The motion was unanimously adopted.

International Residential Code, Existing Amendments

Motion #4:

John Cochran moved to forward for public hearing existing amendments to the 2006 International Residential Code as recommended by the Building, Fire and Plumbing Codes Committee. Pat McBride seconded the motion. The motion was unanimously adopted.

International Fire Code, Proposed Code Changes

Motion #5:

John Cochran moved to forward for public hearing proposed code changes to the 2006 International Fire Code as recommended by the Building, Fire and Plumbing Codes Committee. Diane Hansen seconded the motion. The motion was unanimously adopted.

International Fire Code, Existing Amendments

Motion #6:

John Cochran moved to forward for public hearing existing amendments to the 2006 International Fire Code as recommended by the Building, Fire and Plumbing Codes Committee. Diane Hansen seconded the motion. The motion was unanimously adopted.

Uniform Plumbing Code, Proposed Code Changes

Motion #7:

John Cochran moved to forward for public hearing proposed code changes to the 2006 Uniform Plumbing Code as recommended by the Building, Fire and Plumbing Codes Committee. Diane Hansen seconded the motion. The motion was unanimously adopted.

Uniform Plumbing Code, Existing Amendments

Motion #8:

John Cochran moved to forward for public hearing existing amendments to the 2006 Uniform Plumbing Code as recommended by the Building, Fire and Plumbing

Codes Committee. Dale Wentworth seconded the motion. The motion was unanimously adopted.

Krista asked for clarification. She said the existing amendment packet recommended by the Committee included several new amendment recommendations. Is a separate motion needed for those or does Motion #8 include them? John Neff answered that Motion #8 includes them.

MECHANICAL, VENTILATION AND ENERGY CODES COMMITTEE REPORT

International Mechanical Code, Proposed Code Changes

Motion #9:

Peter DeVries moved to forward for public hearing proposed code changes to the 2006 International Mechanical Code as recommended by the Mechanical, Ventilation and Energy Codes Committee. Mari Hamasaki seconded the motion. The motion was unanimously adopted.

International Mechanical Code, Existing Amendments

Motion #10:

Peter DeVries moved to forward for public hearing existing amendments to the 2006 International Mechanical Code as recommended by the Mechanical, Ventilation and Energy Codes Committee. Mari Hamasaki seconded the motion. The motion was unanimously adopted.

Ventilation and Indoor Air Quality Code, Proposed Code Changes

Krista clarified that the Mechanical, Ventilation and Energy Codes Committee's recommendation includes an amendment to Chapter 5 of the Ventilation and Indoor Air Quality Code to categorize Clark County as a high radon county that requires radon mitigation. She said this amendment was controversial. It has not been discussed at the Council level or previously notified to the public.

Tim said there are two options, counting Appendix F of the International Residential Code (IRC). Krista said that Appendix F relates only to building construction under the IRC. Therefore apartment and other than single-family dwellings in Clark County do not require radon mitigation. But single-family dwellings will require radon mitigation with

adoption of the proposed code change. She said the Committee proposed the amendment for consistency sake. John Neff agreed that this change is significant.

Krista said that both the Mechanical and Ventilation Codes TAG and the Mechanical, Ventilation and Energy Codes Committee recommend disapproval of Log #014.

Motion #11:

Peter DeVries moved to forward for public hearing proposed code changes to the 2003 Ventilation and Indoor Air Quality Code. Mari Hamasaki seconded the motion. The motion was unanimously adopted.

International Fuel Gas Code and National Fuel Gas Code, Proposed Code Changes

Motion #12:

Peter DeVries moved to forward for public hearing proposed code changes to the 2006 International Fuel Gas Code and to the 2006 National Fuel Gas Code. Mari Hamasaki seconded the motion. The motion was unanimously adopted.

Washington State Energy Code, Proposed Code Changes

Motion #13:

Peter DeVries moved to forward for public hearing proposed code changes to the 2004 Washington State Energy Code. Diane Hansen seconded the motion.

Tom Young, Northwest Concrete Masonry Association, spoke against moving forward Log #086. He said it's unnecessary and confusing. The R-values in this proposal don't reflect products available in the local marketplace. Kristyn Clayton agreed with Tom. While acknowledging that the intent behind the proposal was noble, she said it's scary to insert partial tables from other sources into the WSEC.

Amendment to Motion #13:

Kristyn Clayton moved that the Council not move Log #086 to rulemaking and public hearing. Peter DeVries seconded the motion.

John Hogan, the proponent of Log #086, said the proposal is based on ASHRAE 90.1. He said this proposal was discussed at length at TAG meetings, which totaled six. Tom Young attended only one. John said the TAG unanimously voted in support of this

proposal. Tom was invited by the TAG to suggest values that were representative of the local marketplace, but did not choose to provide any. Tom Young repeated that he believes the proposal is unnecessary.

The question was called for. The amending motion was adopted, 7 aye to 6 nay, with the Council chair voting aye to make a majority of 8.

John Cochran asked Kristyn if the Mechanical, Ventilation and Energy Codes Committee amended any recommendations of the Energy Code TAG yesterday. Kristyn said the Committee reviewed the impacts of substantive, challenging proposals. She said Log #070 received lots of discussion. The Committee unanimously approved a compromise amendment for that proposal.

The question was called for on Amended Motion #13. John Neff restated that it would forward for public hearing proposed code changes to the 2004 Washington State Energy Code as recommended by the Mechanical, Ventilation and Energy Codes Committee, with the exception of Log #086, which does not move to rulemaking and public hearing. The motion was unanimously adopted.

International Existing Building Code

Tom Kinsman said, compared to International Building Code provisions relating to existing buildings, the International Existing Building Code has a much more detailed set of regulations for existing buildings. He said adoption of the International Existing Building Code (IEBC) represents a significant change for the State of Washington. He recommends local adoption rather than statewide adoption this code cycle. He prefers a 2008 statewide adoption, after the TAG reconvenes this fall and further studies the document during the remainder of 2006 and 2007. At this time, a handful of local jurisdictions, including Lacey, Seattle and Tacoma, have adopted the IEBC. Tom proposes the state recognize the IEBC as an appendix that can be adopted locally. John Neff clarified that it would be an amendment to Chapter 51-50, adding an additional appendix chapter.

Tom summarized the proposed amendments to the 2006 IEBC included in the lavender packet. Steve asked what constitutes a legal occupancy in an old building? Tom answered that it's the occupancy under which the building was permitted, based on the code it was constructed under. He said a change in occupancy during the interim without benefit of a permit is illegal. John Neff said such occupancy questions commonly arise in existing buildings.

Tom said Proposed Code Change #12 on page 4 of the lavender IEBC packet erroneously lists Occupancy Categories I, II, II and IV. He said the second II is Occupancy Category III.

Tom said Washington State has a historic building code, currently very out-of-date which many interested parties propose updating with the IEBC.

John Neff clarified that the IEBC TAG recommends entering the IEBC into rulemaking as a new appendix chapter with the modifications listed in the lavender packet of proposed code changes to the 2006 IEBC.

Motion #14:

Tom Kinsman moved that the International Existing Building Code be moved to rulemaking as a new appendix chapter as modified by the proposed code changes to the 2006 IEBC as recommended by the IEBC TAG. Steve Mullet seconded the motion.

John Hogan suggested amending the motion to substitute references to the International Energy Conservation Code to the Washington State Energy Code. Tom and Steve accepted that as a friendly amendment.

The question was called for. Motion #14 was unanimously adopted.

Peter commended Council members who serve as TAG chairs. He recognized and applauded the time Kristyn and John Cochran each devoted to TAG review, given the tremendous number of code change proposals to the IBC, IRC and WSEC. TAG chairs received a round of applause from everyone.

STAFF REPORT

Tim said the Energy Code TAG has a request for membership from Jim Stoner. Because of the large number of residential issues the Building Code TAG and the Building, Fire and Plumbing Codes Committee has had to deal with, it has been suggested that an International Residential Code Committee be formed. Tim suggested discussing the formation of such a committee.

Tim reported that the Economic and Regulatory Assessment Committee is interested in reconvening. The Committee Chair, Dave Baker, is no longer a Council member. Remaining members include: Steve Mullet, Vice Chair; Rory Calhoun; Steven George and John Neff. Each indicated their willingness to continue serving. John Neff said Pat McBride has indicated his willingness to replace Dave Baker. Pat confirmed that.

Tim said review by the Economic and Regulatory Assessment Committee usually coincides with rulemaking. The Committee meets to assess the economic and regulatory impact of proposed code changes. Krista said it needs to be filed with the CR-102s.

Motion #15:

John Cochran moved the appointment of Pat McBride to the Economic and Regulatory Assessment Committee. Steve Mullet seconded the motion. The motion was unanimously adopted.

Tom and Mac both indicated a desire to serve as members of the Economic and Regulatory Assessment Committee. **As Council Chair, John Neff appointed Tom Kinsman and Mac McDowell to the Economic and Regulatory Assessment Committee.**

Tim suggested sending a letter to the International Code Council (ICC) about their publication schedule, explaining Washington's concerns because ICC's schedule conflicts with Washington's code cycle and time constraints.

OTHER BUSINESS

Kristyn said TAG meetings have many times been poorly attended. She said the Energy Code TAG rarely had a simple majority of members present. John Neff said that members of the various TAGs that are interested in continuing to participate in TAG meetings should reapply for TAG membership. He suggested that currently active members may wish to recruit new members. John Hogan proposed that the Council may wish to consider a rule such as three consecutive meetings missed equals removal from TAG membership. John Cochran alternatively suggested that the entity such a person represents on the TAG be notified. He suggested that it's important to the represented body that its representatives be active. Tim proposed that staff can draft an amendment to the Council bylaws about meeting attendance.

Jerry Barbera noted that the simultaneous scheduling of two or more TAG meetings resulted in TAG members missing meetings. He requested that each TAG meeting be scheduled for a separate date and time period, rather than having two meetings at the same time on the same date.

John Neff said a question has arisen, because the Council changed the procedure about the adoption of local amendments, if local amendments adopted prior to that change continue or are declared null and void, requiring Council readoption. He asked Council members to think about that question. It will be thoroughly discussed in November.

The Council has received a letter from the two prime sponsors of the nightclub sprinkler legislation, requesting that the Council reopen rulemaking on the nightclub sprinkler implementation date. They claim that the current implementation date is not legislative intent. However an Attorney General Opinion on the issue says the date is set by the Legislature, not by the Council. Thus the Council will not reopen the issue.

John Neff said that a consultant will join Council staff in July to redesign the Council's website. The Council would like to receive input from Council members and/or interested parties about what should be available on the website. Rory asked to keep accessibility in mind. Ron Fuller agreed that accessibility is critical.

John Neff said the Council may financially sponsor a workshop next spring for building officials, fire officials and architects to review WAC rules. He said the Council could do a "dog and pony show" around various areas of the state. He asked Council members to think about how to get the word out to regulators, architects and builders, users, suppliers, etc. In November the Council needs to finalize its plans about how it will educate all of the above about changes the Council has adopted to the various codes. Ron suggested the Council may wish to do something similar to what the Department of Labor and Industries does in its contractor training.

Mari Hamasaki thanked Mechanical TAG members for their participation and Krista for her help. John Cochran expressed similar thanks to Building Code TAG members and Tim.

Pat suggested that it would be helpful for Council members if an hour or so before meetings Council staff could brief members about legal ramifications and housekeeping matters to prepare for the upcoming meeting. Tim agreed. He said the next meeting is a public hearing in Spokane on September 8.

John Cochran asked when the mailing will be sent out for the September meeting. Krista answered that it's presently scheduled for sometime during the week of August 21.

ADJOURNMENT

Lacking further business, John Neff adjourned the meeting at 12:56 p.m.